

113TH CONGRESS  
1ST SESSION

# H. R. 1582

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IN THE SENATE OF THE UNITED STATES

SEPTEMBER 9, 2013

Received; read twice and referred to the Committee on Environment and  
Public Works

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## AN ACT

To protect consumers by prohibiting the Administrator of the Environmental Protection Agency from promulgating as final certain energy-related rules that are estimated to cost more than \$1 billion and will cause significant adverse effects to the economy.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Energy Consumers Re-  
3 lief Act of 2013”.

4 **SEC. 2. PROHIBITION AGAINST FINALIZING CERTAIN EN-  
5 ENERGY-RELATED RULES THAT WILL CAUSE  
6 SIGNIFICANT ADVERSE EFFECTS TO THE  
7 ECONOMY.**

8 Notwithstanding any other provision of law, the Ad-  
9 ministrator of the Environmental Protection Agency may  
10 not promulgate as final an energy-related rule that is esti-  
11 mated to cost more than \$1 billion if the Secretary of En-  
12 ergy determines under section 3(3) that the rule will cause  
13 significant adverse effects to the economy.

14 **SEC. 3. REPORTS AND DETERMINATIONS PRIOR TO PRO-  
15 MULGATING AS FINAL CERTAIN ENERGY-RE-  
16 LATED RULES.**

17 Before promulgating as final any energy-related rule  
18 that is estimated to cost more than \$1 billion:

19 (1) **REPORT TO CONGRESS.**—The Administrator  
20 of the Environmental Protection Agency shall sub-  
21 mit to Congress a report (and transmit a copy to the  
22 Secretary of Energy) containing—

23 (A) a copy of the rule;

24 (B) a concise general statement relating to  
25 the rule;

1 (C) an estimate of the total costs of the  
2 rule, including the direct costs and indirect  
3 costs of the rule;

4 (D)(i) an estimate of the total benefits of  
5 the rule and when such benefits are expected to  
6 be realized;

7 (ii) a description of the modeling, the cal-  
8 culations, the assumptions, and the limitations  
9 due to uncertainty, speculation, or lack of infor-  
10 mation associated with the estimates under this  
11 subparagraph; and

12 (iii) a certification that all data and docu-  
13 ments relied upon by the Agency in developing  
14 such estimates—

15 (I) have been preserved; and

16 (II) are available for review by the  
17 public on the Agency's Web site, except to  
18 the extent to which publication of such  
19 data and documents would constitute dis-  
20 closure of confidential information in viola-  
21 tion of applicable Federal law;

22 (E) an estimate of the increases in energy  
23 prices, including potential increases in gasoline  
24 or electricity prices for consumers, that may re-

1           sult from implementation or enforcement of the  
2           rule; and

3           (F) a detailed description of the employ-  
4           ment effects, including potential job losses and  
5           shifts in employment, that may result from im-  
6           plementation or enforcement of the rule.

7           (2) INITIAL DETERMINATION ON INCREASES  
8           AND IMPACTS.—The Secretary of Energy, in con-  
9           sultation with the Federal Energy Regulatory Com-  
10          mission and the Administrator of the Energy Infor-  
11          mation Administration, shall prepare an independent  
12          analysis to determine whether the rule will cause—

13                (A) any increase in energy prices for con-  
14                sumers, including low-income households, small  
15                businesses, and manufacturers;

16                (B) any impact on fuel diversity of the Na-  
17                tion’s electricity generation portfolio or on na-  
18                tional, regional, or local electric reliability;

19                (C) any adverse effect on energy supply,  
20                distribution, or use due to the economic or tech-  
21                nical infeasibility of implementing the rule; or

22                (D) any other adverse effect on energy  
23                supply, distribution, or use (including a short-  
24                fall in supply and increased use of foreign sup-  
25                plies).

1           (3) SUBSEQUENT DETERMINATION ON ADVERSE  
2           EFFECTS TO THE ECONOMY.—If the Secretary of  
3           Energy determines, under paragraph (2), that the  
4           rule will cause an increase, impact, or effect de-  
5           scribed in such paragraph, then the Secretary, in  
6           consultation with the Administrator of the Environ-  
7           mental Protection Agency, the Secretary of Com-  
8           merce, the Secretary of Labor, and the Adminis-  
9           trator of the Small Business Administration, shall—

10                   (A) determine whether the rule will cause  
11                   significant adverse effects to the economy, tak-  
12                   ing into consideration—

13                           (i) the costs and benefits of the rule  
14                           and limitations in calculating such costs  
15                           and benefits due to uncertainty, specula-  
16                           tion, or lack of information; and

17                           (ii) the positive and negative impacts  
18                           of the rule on economic indicators, includ-  
19                           ing those related to gross domestic prod-  
20                           uct, unemployment, wages, consumer  
21                           prices, and business and manufacturing ac-  
22                           tivity; and

23                   (B) publish the results of such determina-  
24                   tion in the Federal Register.

1 **SEC. 4. DEFINITIONS.**

2 In this Act:

3 (1) The terms “direct costs” and “indirect  
4 costs” have the meanings given such terms in chap-  
5 ter 8 of the Environmental Protection Agency’s  
6 “Guidelines for Preparing Economic Analyses”  
7 dated December 17, 2010.

8 (2) The term “energy-related rule that is esti-  
9 mated to cost more than \$1 billion” means a rule of  
10 the Environmental Protection Agency that—

11 (A) regulates any aspect of the production,  
12 supply, distribution, or use of energy or pro-  
13 vides for such regulation by States or other gov-  
14 ernmental entities; and

15 (B) is estimated by the Administrator of  
16 the Environmental Protection Agency or the  
17 Director of the Office of Management and  
18 Budget to impose direct costs and indirect  
19 costs, in the aggregate, of more than  
20 \$1,000,000,000.

21 (3) The term “rule” has the meaning given to  
22 such term in section 551 of title 5, United States  
23 Code.

1 **SEC. 5. PROHIBITION ON USE OF SOCIAL COST OF CARBON**  
2 **IN ANALYSIS.**

3 (a) **IN GENERAL.**—Notwithstanding any other provi-  
4 sion of law or any executive order, the Administrator of  
5 the Environmental Protection Agency may not use the so-  
6 cial cost of carbon in order to incorporate social benefits  
7 of reducing carbon dioxide emissions, or for any other rea-  
8 son, in any cost-benefit analysis relating to an energy-re-  
9 lated rule that is estimated to cost more than \$1 billion  
10 unless and until a Federal law is enacted authorizing such  
11 use.

12 (b) **DEFINITION.**—In this section, the term “social  
13 cost of carbon” means the social cost of carbon as de-  
14 scribed in the technical support document entitled “Tech-  
15 nical Support Document: Technical Update of the Social  
16 Cost of Carbon for Regulatory Impact Analysis Under Ex-  
17 ecutive Order 12866”, published by the Interagency  
18 Working Group on Social Cost of Carbon, United States  
19 Government, in May 2013, or any successor or substan-  
20 tially related document, or any other estimate of the

1 monetized damages associated with an incremental in-  
2 crease in carbon dioxide emissions in a given year.

Passed the House of Representatives August 1,  
2013.

Attest:

KAREN L. HAAS,

*Clerk.*